



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 5065-99

22 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that you were discharged from the Marine Corps Reserve on 24 September 1998, after being found not physically qualified for service because of chronic knee pain. Your record indicates that you had suffered from knee pain and a questionable meniscus tear prior to enlisting. It appears that your knee became symptomatic during March or April 1997, for reasons unrelated to your military service. Although you had sustained a contusion to your knee about six months earlier, there is no indication in the available records that the contusion permanently aggravated your preexisting condition.

The Board noted that a DD Form 214 is issued only upon a service member's release from active duty. The DD Form 214 you were issued for the 13 June 1994-24 September 1998 period is erroneous, because you did not serve on active duty for that entire period of time, and you were not released from active duty on 24 September 1998. Accordingly, the form should be not be used for any purpose.

In view of the foregoing, your application has been denied. The names and votes of the

members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director